



Washington State
Department of Health
Podiatric Medical Board
Meeting Minutes
September 11, 2003

The meeting of the Washington State Podiatric Medical Board was called to order by Gerald Kuwada, DPM, Chair, at 9:10 a.m. The meeting was held at the Department of Health, Point Plaza East, 310 Israel Rd SE, Room 156, Tumwater, Washington.

Board Members

Participating:

Gerald Kuwada, DPM, Chair
David Bernstein, DPM, Vice-Chair
Stewart Brim, DPM
Bill Ith, Public Member
John McCord, DPM (after 11:30 a.m.)

Staff Participating:

Marc Defreyn, Assistant Attorney General
Arlene Robertson, Program Manager
Holly Rawsley, Program Manager
Karen Maasjo, Administrative Staff

Open Session

1. Call to Order
 - 1.1 Approval of Agenda
The meeting agenda was approved as published.
 - 1.2 Approval of Minutes - March 20, 2003
The March 20, 2003 meeting minutes were approved as submitted.
2. (Open Session) Settlement Presentations
(Closed Session) Statement of Allegations/Stipulation to Informal Disposition
There were no presentations.
3. Interpretative Statements/Policies
Review proposals by other professions.

3.1 Medical Quality Assurance Commission - Use of Lasers in Skin Care and Treatment Number MD2003-02
ISSUE

The Medical Quality Assurance Commission (MQAC) draft policy relative to lasers and their use was reviewed. The MQAC policy addresses the use of lasers which include pulsed dye and intense pulsed light devices. These devices are considered prescription devices by the U.S. Food and Drug Administration and can only be sold to licensed practitioners with prescriptive authority.

The draft policy specifies that the use of a laser to treat or alter the skin is the practice of medicine under RCW 18.71.011. The draft states that only physicians licensed under 18.71 RCW (MD) or allied health professionals under the supervision of an MD can operate these types of devices.

ACTION

The Board determined that the use of lasers is permitted by podiatric physicians under RCW 18.22.035 ..."(2) The practice of podiatric medicine and surgery is the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot." Staff will notify MQAC that the policy as it is written would be in conflict with the Podiatry statute.

3.2 Radiologic Technologist and Health Care Assistant Programs Request RE: Conscious Sedation
ISSUE

The radiologic technologist and health care assistant programs have requested input relative to the administration of conscious sedation.

ACTION

The Board considered which professions would have authority to perform conscious sedation under their scope of practice. Professions identified as having the authority to administer conscious sedation are: Physicians-MD, DO and DPM; dentists; physician assistants; veterinarians; and ARNPs/CRNAs.

Since conscious sedation is a type of anesthesia, even the practitioners whose scope of practice includes administration of anesthesia obtain additional

training to safely perform this procedure. Although the Board had not heard of anyone being harmed by administration of conscious sedation, there is the potential for individuals to be under or over sedated which could put the patient at risk of being harmed. The practitioner administering an anesthetic must be able to monitor the patient's vital signs and systems throughout the procedure, adjust the medication, and manage the patient in an emergency. The administration of conscious sedation involves significantly more knowledge than just administering an anesthetic agent.

Staff will advise the other programs of the Board's comments.

4. Policy Review

4.1 New Policies - Review policy language

4.1.1 Decision Making Criteria for License Applications with Criminal Convictions

4.1.1.1 Review of Applicants with Felony or Gross Misdemeanor Convictions P003-47

4.1.1.2 Felony and Gross Misdemeanor Convictions Number D30.01

ISSUE

The Board considered additional information relative to criteria to use for making decisions regarding licensing applicants with criminal convictions.

ACTION

The Board determined that this issue has little impact on podiatry licensing so it will retain the current policy P003-47 in conjunction with D30.01 in making licensing decisions.

4.2 Pro-tem Members for Special Case Reviews P003-48

ISSUE

The Podiatric Medical Board only has four (4) podiatric physicians to review cases and serve as decision-makers on disciplinary cases. The size of the profession also lends to individuals being acquainted with many other podiatric physicians, often creating the appearance of bias or unfairness. There are also instances when a board member may not have expertise in a specific procedure. The Board feels it would be beneficial to have a pro-tem board member

act in this capacity when unusual or conflicting circumstances arise.

ACTION

The policy was approved. Staff will use the policy for pro-tem appointments when circumstances arise that warrant reviews be conducted by someone other than a regular board member.

5. Scope of Practice Issues.

5.1 Office Based Surgery

ISSUE

Ms. Robertson advised the Board that additional input would be taken on the Medical Quality Assurance Commission proposal to develop rules regulating office based surgery at the upcoming meeting on October 8.

ACTION

Drs. Kuwada and Bernstein will check their availability and try to attend.

5.2 Report on meeting with the Cosmetology Program

ISSUE

The Podiatry Board and Cosmetology Program are sharing information on issues pertaining to pedicures, i.e., foot bath sterilization, trimming calluses, doing pedicures on medically compromised clients, etc.

ACTION

Dr. Bernstein and Ms. Robertson reported that the meeting was very productive. Both programs agreed to maintain contact and identify common areas that can be used to educate pedicurists and the public. It is anticipated that educational material can be put on both programs WEB pages. The goal is to minimize the risk to compromised individuals and prevent spreading disease. Future meetings are planned to keep communication open and determine ways to educate both the public and pedicurists.

6. Licensing Issues

6.1 PMLexis (Part III) examination update

ISSUE

Recent notification from The Chauncey Group International, test administration contractor for the Part III exam, includes information on testing

registration and advises the fee to sit for the exam has increased to \$900.

ACTION

The Board was not required to take any action.

7. Program Manager Reports

7.1 Budget Reports

Budget reports from June 2003 were shared with the Board. Since current reports were not available, the Board was not able to accurately evaluate the status of the budget.

7.2 Investigative Staff Time Report (Sample)

Staff provided a report showing the reporting and expenditures by the Investigative Services Unit on an individual case as it is investigated.

7.3 Provider Credential Search on DOH Web page

Staff shared information on the Provider Credential Search Web page. It has been very popular with the public and has saved countless hours of staff time doing verifications and producing documents for disclosure.

7.4 Delegation of Signature Authority for Legal Forms and Rules

ACTION

The Board approved delegation of signature authority for the program manager and executive director.

8. Executive Director Reports

8.1 Legislation

8.1.1 An Act Relating to Health Professions
Disciplinary Procedures

8.1.1.1 Z-0749.2/04

8.1.2 Barriers to Credentialing

8.1.2.1 Z-0748.2/04

Mr. Defreyn provided background information on the legislative proposals.

9. 2004 meeting dates.

The following dates were selected for 2004: March 25, June 24, September 23, and December 2. All meetings will be held at the Department of Health, Point Plaza East facility unless otherwise noted on the agenda.

Closed Session

10. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
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2002-04-0001PO	Closed no cause for action; insufficient evidence.
2002-08-0001PO	Issue a Statement of Charges
2002-11-0002PO	Closed no cause for action; no violation determined.
2002-12-0002PO	Closed no cause for action; no violation determined.
2003-01-0002PO	Issue Statement of Charges.
2003-02-0001PO	Issue Statement of Charges.
2003-05-0001PO	Closed Below Threshold/before investigation.

11. Compliance Reports

There were no compliance reports.

12. Application Review

There were no applications for review.

The meeting was adjourned at 1:30 p.m.

Respectfully Submitted

Arlene Robertson
Program Manager

NOTE: PLEASE VISIT OUR WEB SITE FOR FUTURE AGENDAS AND MINUTES. WWW.DOH.WA.GOV, GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH PROFESSIONS, GO TO PODIATRIC PHYSICIANS FOR AGENDAS AND MINUTES.

